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MS AF  
RESPONSE UNDER  
37 C.F.R. § 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP 1632

PATENT  
0147-0211P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: ROSENTHAL, A. Conf.: 7286  
Appl. No.: 09/647,377 Group: 1632  
Filed: February 12, 2001 Examiner: PRIEBE, Scott  
For: NUCLEIC ACID MOLECULES ENCODING PROTEINS WHICH INFLUENCE BONE DEVELOPMENT

NOTICE OF APPEAL FROM THE  
PRIMARY EXAMINER TO THE BOARD OF APPEALS

MS AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

December 15, 2003

Sir:

Applicants hereby appeal to the Board of Appeals from the decision dated June 13, 2003 of the Primary Examiner finally rejecting claims 1-8, 12, 13, 20, 21, 23-26, 29 and 36-41.

This document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.

The applicant(s) hereby petition(s) for an extension of three (3) month(s) pursuant to 37 C.F.R. §§ 1.17 and 1.136(a).

The fee has been calculated as shown below:

NO extensions of time have been previously obtained for responding to the Final Rejection. Thus a fee of \$0.00 is required for the full period of the above-requested extension of time.

An extension of one (1) month(s) for responding to the Final Rejection was previously requested and paid for on September 13, 2003. Thus a fee of \$425.00 is required to obtain an additional two (2) month(s) for filing the Notice of Appeal.

12/19/2003 TTAB31 00000002 022448 09647377

PAGE 23' RCVD AT 12/15/2003 7:24:43 PM [Eastern Standard Time] SVR:USPTO-EFXRF-1/1 ONS:8729307 CSID: DURATION (MM-SS):00-44  
01 FC:2401 165.00 DA  
02 FC:1251 110.00 DA

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Appl. No. 09/647,377

Applicant claims small entity status. See 37 C.F.R. § 1.27.

The Government fee for filing a Notice of Appeal to the Board of Appeals is calculated as follows:

Large entity - \$330.00

Small Entity - \$165.00

Therefore, the TOTAL FEE due for the filing of this Notice of Appeal is \$585.00.

Payment of the above TOTAL FEE is being made in the following manner:

Check(s) in the amount of \$0.00 is/are enclosed.

Please charge Deposit Account No. 02-2448 in the amount of \$585.00. A triplicate copy of this sheet is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By Calypso Kelly # 46,83  
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(Rev. 09/30/03)

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Judge Y. Mengwidday  
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Dec. 15, 2003

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